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8 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Statement of Issues Against:

Case No. *2011-977*

12 **MARGARET W. NJOROGÉ,**  
13 **a.k.a. MARGARET WANJIRU NJOROGÉ**  
699 John Street, Unit 307  
14 Seattle, WA 98109

**STATEMENT OF ISSUES**

15 Applicant for Registered Nurse

16 Respondent.

17  
18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Statement of Issues solely  
21 in her official capacity as the Executive Officer of the Board of Registered Nursing ("Board"),  
22 Department of Consumer Affairs.

23 **Application Information**

24 2. On or about September 8, 2010, the Board received an Application for Licensure by  
25 Examination from Margaret Njoroge ("Respondent"). On or about September 1, 2010, Margaret  
26 Njoroge certified under penalty of perjury to the truthfulness of all statements, answers, and  
27 representations in the application. The Board denied the application on December 17, 2010.

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## STATUTORY PROVISIONS

3. Section 2736 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may deny a license when it finds that the applicant has committed any acts constituting grounds for denial of licensure under section 480 of that Code.

4. Code section 480 states, in pertinent part:

(a) A board may deny a license regulated by this code on the grounds that the applicant has one of the following:

(1) Been convicted of a crime. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code.

(3) (A) Done any act that if done by a licentiate of the business or profession in question, would be grounds for suspension or revocation of license.

5. Code section 2761, subdivision (f) states:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof.

6. Code section 2762 states, in pertinent part:

In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.

(c) Be convicted of a criminal offense involving the prescription, consumption, or self-administration of any of the substances described in subdivisions (a) and (b) of this section, or the possession of, or falsification of a record pertaining to, the substances described in subdivision (a) of this section, in which event the record of the conviction is conclusive evidence thereof.

1 **FIRST CAUSE FOR DENIAL OF APPLICATION**

2 **(Criminal Conviction)**

3 7. Respondent's application is subject o denial pursuant to Code sections 2761,  
4 subdivision (f), and 480, subdivision (a)(1) in that Respondent has been convicted of the  
5 following crime that is substantially related to the qualifications, functions, or duties of a  
6 registered nurse:

7 a. On or about October 4, 2010, in the Municipal Court of the City of Seattle,  
8 Washington, in the matter entitled *City of Seattle vs. Margaret W. Njoroge*, 2010, Case No.  
9 555069, Respondent was convicted following her plea of guilty to a violation of AB 11.56.020,  
10 subdivision (b) [physical control of a vehicle while under the influence of alcohol], a  
11 misdemeanor.

12 The circumstances of the crime are: on or about May 22, 2010, Respondent was  
13 arrested by a Seattle Police Officer after she was found slumped over the steering wheel of her  
14 vehicle, which was parked halfway into the street with the engine running and the gear shift still  
15 in the drive position. After the arrest, Respondent became agitated and refused to submit to any  
16 test to measure her blood alcohol content. Respondent's conditions of probation include, but are  
17 not limited to, 60 months probation, pay fees and fines, and to drive only vehicles equipped with  
18 an ignition interlock device from September 23, 2010, until September 16, 2011.

19 **SECOND CAUSE FOR DENIAL OF APPLICATION**

20 **(Committed Acts which if Done by a Licentiate would Constitute Cause for Discipline)**

21 8. Respondent's application is subject to denial pursuant to Code section 480  
22 subdivision (a)(3)(A), in that Respondent committed acts which if done by a licentiate constitute  
23 cause for discipline pursuant to Code sections 2761, subdivision (f), and 2762, subdivisions (b)  
24 and (c), as set forth in paragraph 7, above, incorporated herein by this reference.

25 **PRAYER**

26 **WHERE FORE**, Complainant requests that a hearing be held on the matters herein  
27 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:  
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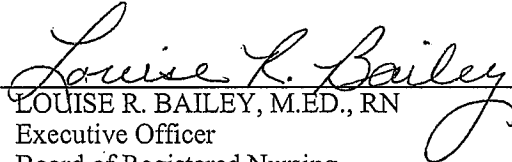
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1. Denying the application of Margaret W. Njoroge, a.k.a. Margaret Wanjiru Njoroge,  
for a Registered Nurse License; and

2. Taking such other and further action as deemed necessary and proper.

DATED:

06-13-2011



LOUISE R. BAILEY, M.ED., RN  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
*Complainant*

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